

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE GREENEVILLE DIVISION

B.P., H.A., and S.H., individually, and on)
Behalf of all others similarly situated,)
)
Plaintiffs,)
)
VERSUS)
)
CITY OF JOHNSON CITY, TENNESSEE, *et al*)
)
Defendants.)

No. 2:23-cv-00071-TRM-CRW

RESPONSE TO PLAINTIFFS' MOTION TO SEAL

COMES NOW the Defendant, Kevin Peters in their individual capacity, and for response to the Court's Order (DE 269), and to Plaintiff's Motion to Seal (DE 233), would state and show to the Court that the filings by Plaintiff were not properly or sufficiently redacted to be able to file them on the public docket. There are two documents at issue: Exhibit 15 (interrogatory responses), and Exhibit 29 (deposition excerpts).

Concerning Exhibit 15, this Defendant proposed additional redactions to Plaintiffs' counsel to correct what appear to have been errors by Plaintiffs in their initial redaction effort, which corrections would enable this to be filed on the public docket. But Plaintiffs did not substantively respond or address the requested redactions despite email request and in-person request at unrelated depositions. The redactions were not burdensome; Plaintiffs redacted names of non-parties in some portion of the documents, but inexplicably did not redact the exact same names in other portions, making Plaintiffs' own redactions ineffectual. These redactions were presumably for the protection of these non-parties. It is clear that Plaintiffs were in such a hurry to file that they refused Defendant's meet and confer requests and failed to proofread their own redactions. This follows this Defendant's multiple objections in June to Plaintiffs' failure to meet

and confer, while Plaintiffs knew that undersigned counsel was out of the country on vacation. The material *can* be redacted to enable it to be filed publicly, but Plaintiffs have failed to respond to Defendants' request to do so and respond to the additional redactions identified.

This Defendant requests that the Court order Plaintiffs to re-file the Exhibit 15 material with the additional redactions that Defendant requested concerning the non-party names, in order that they be consistent. In the alternative, Defendant requests that the material remain sealed, or the material not be filed at all.

With respect to Exhibit 29, these excerpts of this Defendant's deposition from the *Dahl* litigation were apparently designated confidential by the parties in the *Dahl* litigation. Defendant Peters is not and was not a party to the *Dahl* litigation, and was not involved in that designation. Defendant Peters would state that the pages do not appear to have any confidential information that would prevent the pages from being filed publicly, but Defendant Peters does not have standing to de-designate material that is protected by the Protective Order in the *Dahl* litigation. Defendant Peters does not object to this material being filed publicly.

Respectfully submitted,

MOORE, RADER AND YORK, P. C.

s/DANIEL H. RADER IV, BPR #025998

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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This the 19th day of July, 2024.

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